

Appl. No. 09/831,782
Amdt. Dated May 19, 2003
Reply to Office Action of March 18, 2003

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REMARKS

The invention comprises a container having a liquid impervious shell, an absorbent material within the liquid impervious shell, and an odor-neutralizing composition. The odor-neutralizing composition comprises cyclodextrin and a chelant. The odor-neutralizing composition optionally comprises an ingredient selected from the group consisting of antimicrobial agents, activated charcoal, baking soda, absorbent gelling material, zeolite, silica and mixtures thereof.

35 USC §103 Rejection:

Claim 1 and claim 8 have been amended to add the limitation that the odor-neutralizing compositions of the invention comprise a chelant in combination with cyclodextrin. This limitation is not taught or suggested by any of the cited references.

The Office Action rejects claims 1-5, and 7-9 under 35 USC §103(a) as being unpatentable over Caggiano (US 4,861,632), or Kannarkeril (4,927,010) in view of Trinh et al. (5,429,628). This combination of references does not teach or suggest all of the elements in the amended claims. Nothing in the individual references, or in the combination of references, teaches or suggests an odor-neutralizing composition comprising cyclodextrin in combination with a chelant in an odor absorbing container. The rejection under 35 USC § 103(a) should be withdrawn.

The office action has rejected claims 6 and 10 under 35 USC §103(a) as unpatentable over Caggiano (4,861,632), or Kannarkeril (4,927,010) in view of European Patent Application No. 0 811 390 A1. Applicants have cancelled claim 6 and claim 10 and have amended claims 1 and 8 to include the subject matter of claims 6 and 10. Applicants respectfully traverse the rejection of this subject matter by the Examiner. The cited combinations of references do not teach or suggest the claimed combination of an odor-neutralizing composition composing cyclodextrin and a chelant. None of the cited references teaches or suggests the use of cyclodextrin in an odor neutralizing composition as is claimed. The EPO reference teaches the use of a chelant in combination with activated charcoal, silica, absorbent gelling materials, and antimicrobials but does not teach or suggest the combination of cyclodextrin and a chelant in an odor neutralizing composition. The rejection under 35 USC §103(a) should be withdrawn.


Applicants submit that claims 6 and 10 were improperly rejected in the final office action and that the claims represent patentable subject matter. Applicants further submit that currently amended claims 1 and 8 are equivalent to claims 6 and 10 rewritten to include the limitations of the claims from which they depended. Applicants therefore request the entry of this after final amendment. No new matter has been added. The claims have been placed in a form for allowance.

In light of the amendments to the claims and the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §103(a). Early and favorable action in the case is respectfully requested.

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